

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TELIFERRO WITCHER,

Plaintiff,

CASE NO. 13-13844

HON. MARIANNE O. BATTANI

v.

MICHIGAN DEPARTMENT OF CORRECTIONS,
et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE

On December 15, 2014, Plaintiff filed a Notice of Voluntary Dismissal Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). (Doc. No. 26). The case had been referred to Magistrate Judge R. Steven Whalen for all pretrial proceedings. (Doc. No. 19).

The Magistrate Judge construed the Notice as a motion for voluntary dismissal, and in his Report and Recommendation, dated January 7, 2015, he recommended that the motion be granted and that the Plaintiff's pro se complaint be dismissed without prejudice. Magistrate Judge Whalen informed the parties that objections to the Report and Recommendation had to be filed within fourteen days of service and that a failure to file an objection constituted a waiver of any further right to appeal.

Neither party filed an objection. Consequently, the parties waive their right to *de novo* review and appeal.

Therefore, the Court **ADOPTS** the analysis **GRANTS** the motion and **DISMISSES** Plaintiff's complaint without prejudice.

IT IS SO ORDERED.

Date: February 17, 2015

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on February 17, 2015.

s/ Kay Doaks
Case Manager